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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,802	12/02/2003	Michael Joseph Washburn	139682UL (15276US01)	3317

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EXAMINER

CHOW, DOON Y

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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05/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/725,802	Applicant(s) WASHBURN, MICHAEL JOSEPH	
	Examiner Dennis-Doon Chow	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-9, 11-19 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funda et al. (5417210) in view of Gaughan et al. (5589893).

Regarding to claims 1, 2, 7, 12, 13, 14, 18, 19, Funda discloses a medical diagnostic imaging system comprising an input device (a trackball device; col. 9, lines 65-68) for controlling the medical diagnostic imaging system.

Funda does not explicitly disclose the trackball remotely controls system.

Gaughan discloses a remote trackball device and a method for operating a display (imaging) system, comprises: moving a trackball in a handheld trackball (mousing) device (see Fig. 6); means for transmitting a command based on movement of the trackball to display (imaging) system from the handheld device, and adjusting a setting or function of the display (imaging) system based on the command (col. 4, line 40 to col. 5, line 11).

In light of Gaughan, it would have been obvious to one of ordinary skill in the art to use Gaughan's remote trackball in Funda's system as a user interface 120 because the remote trackball allow the user to move free while controlling system.

Regarding to claim 3, Gaughan further discloses the moving step comprises depressing (clicking) the trackball (col. 4, lines 28-34).

Regarding to claims 5, 11, 15, 16, 17, Gaughan further discloses the handheld device including a remote keypad (46, Fig. 2).

Regarding to claims 6, 8, Gaughan further discloses pressing a button on the handheld device to trigger a display (imaging) system command (col. 5, lines 5-8).

Regarding to claim 9, Funda further discloses the trackball device works with voice commands (275 and 267, Figs. 1 and 3) to control the aiming system.

Regarding to claims 21-22, Funda further discloses the device is integrated with the keypad imaging instrument (col. 6, lines 32-59; col. 9, lines 65-68).

3. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funda in view of Gaughan et al. as applied to claims 1 and 7 above, and further in view of Chang (5298919).

The modified Funda does not disclose having a wheel on the device.

Chang, in the same input field, discloses mounting a wheel (18, Fig. 1) on a handheld device for inputting additional movement to a display system.

In light of Chang, It would have been obvious to one of ordinary skill in the art to use Chang's wheel in the device of the modified Funda so that additional movement can be inputted to the system of the modified Funda.

Art Unit: 2629

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Funda et al. (5417210) in view of Gaughan et al. (5589893) as applied to claim 13 above, and further in view of Holmes (6222526).

Funda does not disclose a fastener for affixing the input device to an operator.

Holmes, in the same input field, discloses a fastener for affixing the input device to an operator.

In light of Holmes, it would have been obvious to one of ordinary skill in the art to use Holmes' fastener in Funda's input device. By doing so, the input device can be fastened to the operator.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

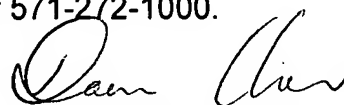
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis-Doon Chow whose telephone number is 571-272-7767. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Dennis-Doon Chow
Primary Examiner
Art Unit 2629

D. Chow
May 11, 2007